



**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
09879-00033-US

In re Application of: Michael G. Hoffman et al.

Application No.: 10/627,256-Conf. #4185

Filed: July 24, 2003

For: 4-TRIFLUOROMETHYLPYRAZOLYL-SUBSTITUTED PYRIDINES AND PYRIMIDINES

The owner*, Bayer CropScience GmbH, of 100
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any
patent granted on pending reference Application Number 11/077,110, filed on March 10, 2005,
and _____
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may
be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it
and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on
the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent
granted on said reference application, "as the term of any patent granted on said reference application may be shortened by
any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such
patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is
found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR
1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration
of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,
etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that these statements were made with the knowledge that willful false
statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 32,707



Signature

March 14, 2007

Date

William E. McShane

Typed or printed name

(302) 888-6248

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

03/21/2007 HDESTA: 00000011 032775 10627256

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